

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DAWN COULTER and TRACY JOHNSON,
individually and on behalf of all others similarly
situated,

v.

VILLA HEALTHCARE MANAGEMENT, INC.,

Case No. 1:22-cv-01970

FLSA Collective Action

Fed. R. Civ. P. 23 Class Action

Judge Elaine E. Bucklo

Magistrate Judge Jeffrey Cummings

PLAINTIFFS' MOTION FOR CONDITIONAL CERTIFICATION

In the wake of a company-wide payroll outage beginning December 2021, Villa Healthcare Management, Inc. ("Villa") initially resorted to estimating its employees' hours instead of paying them for the actual time they worked, including overtime and shift differentials, and then implemented systems which still did not correctly track time or pay employees for the hours they worked. As a result, the wages these employees were owed were delayed for months—at a minimum—or remain unpaid. But a payroll outage does not excuse Villa's non-compliance with the Fair Labor Standards Act (FLSA). Villa's decision to initially ignore actual hours worked by affected employees, as well as its subsequent failure to implement systems to correctly pay its employees for their time, including overtime, flagrantly violates the FLSA.

Plaintiffs worked for Villa as non-exempt hourly workers during the payroll outage. Plaintiffs seek to allow their coworkers—other nonexempt Villa workers who were subject to the same alleged illegal pay practices—to receive notice of this collective action and have the opportunity to join it to recover any backwages they may still be owed along with liquidated damages due to Villa's failure to make these payments on time. Plaintiffs' evidence easily exceeds

the lenient standard for conditional certification, and the Court should certify this collective action and order notice to be sent to putative collective members.

This motion is supported by the attached memorandum, as well as the evidence and papers on file in this matter.

Respectfully submitted,

/s/ Matthew S. Parmet

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CERTIFICATE OF CONFERENCE

Plaintiffs file this motion as opposed because Defendant has not consented to conditional certification of this action pursuant to the FLSA.

/s/ Matthew S. Parmet

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